

HOUSE BILL 1341

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2001 Regular Session
1lr2821

By: **Delegates McClenahan and W. Baker, W. Baker, and Dewberry**

Introduced and read first time: February 19, 2001

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 5, 2001

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2001

CHAPTER_____

1 AN ACT concerning

2 **Department of Natural Resources - Limited Fishing Guide License**

3 FOR the purpose of authorizing the Department of Natural Resources to issue a
4 certain limited fishing guide license for use under certain circumstances;
5 prohibiting certain guides from accepting consideration for certain fishing guide
6 services unless certain persons possess certain licenses; providing for a certain
7 delayed effective date; establishing certain fees for a certain license; requiring
8 the Department to report annually on certain information; providing for how
9 certain funds may be spent; providing certain restrictions on recreational
10 anglers under certain circumstances; and generally relating to the issuance of a
11 certain limited fishing guide license.

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section 4-210
15 Annotated Code of Maryland
16 (2000 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

2 4-210.

3 (a) Except for a person employed to operate a vessel for a master fishing guide
4 under § 4-701(o), any person who desires to accept direct or indirect consideration for
5 providing services as a fishing guide shall obtain a license.

6 (b) In addition to any license required by this section, a person may not
7 furnish any service as a fishing guide that requires operating a boat or vessel as part
8 of that service without first obtaining appropriate federal licenses to operate a vessel
9 carrying passengers for hire.

10 (c) A person who is required to be licensed under this section must have all
11 appropriate federal and State licenses in the person's possession whenever
12 performing services as a fishing guide.

13 (d) A commercial fishing guide shall be required to submit reports monthly on
14 forms provided by the Department.

15 (e) (1) The Secretary may establish by regulation first aid and safety
16 requirements with which all licensed fishing guides shall comply.

17 (2) The Department may suspend, revoke, or refuse to issue a license for
18 failure to comply with the terms of the license.

19 (f) The Department may issue a tidal fish license under § 4-701 of this
20 subtitle and a freshwater fishing guide license under § 4-210.1 of this subtitle.

21 (G) (1) THE DEPARTMENT MAY ISSUE A LIMITED FISHING GUIDE LICENSE
22 THAT IS APPLICABLE ~~ONLY IN ALL WATERS OF THE STATE TO ALLOW A LICENSE~~
23 ~~HOLDER TO GUIDE ANGLERS IN:~~

24 (I) ANGLERS IN UP TO 3 BOATS OR VESSELS THAT:

25 1. HAVE 1 OR 2 OCCUPANTS; AND

26 2. ~~IS~~ ARE PROPELLED BY OARS OR PADDLES; OR

27 (II) UP TO 3 10 ANGLERS FISHING FROM SHORE OR ON FOOT IN THE
28 WATER.

29 (2) A PERSON MAY NOT ACCEPT ANY CONSIDERATION FOR SERVICES AS
30 A FISHING GUIDE LICENSED UNDER THIS SUBSECTION UNLESS THE PERSON AND
31 ALL PERSONS BEING GUIDED POSSESS, AS APPLICABLE, AN ANGLER'S LICENSE
32 ISSUED UNDER § 4-604 OF THIS TITLE OR A CHESAPEAKE BAY SPORT FISHING
33 LICENSE ISSUED UNDER § 4-745 OF THIS TITLE.

34 (3) A RECREATIONAL ANGLER UNDER THE GUIDANCE OF A LIMITED
35 FISHING GUIDE IN TIDAL WATERS MAY NOT:

1 (I) CATCH OR POSSESS THE SPECIES OF FISH KNOWN AS THE
2 STRIPED BASS OR ROCKFISH IN THE TIDAL WATERS DESIGNATED IN § 4-210.1(F) OF
3 THIS SUBTITLE; AND

4 (II) FROM MARCH 1 THROUGH MAY 31, CATCH OR ATTEMPT TO
5 CATCH THE SPECIES OF FISH KNOWN AS THE STRIPED BASS OR ROCKFISH IN
6 SPAWNING AREAS AND RIVERS, INCLUDING ALL WATERS NORTH OF A LINE FROM
7 ABBEY POINT TO WORTON POINT, INCLUDING THE SASSAFRAS RIVER, BOHEMIA
8 RIVER, ELK RIVER, NORTHEAST RIVER, SUSQUEHANNA RIVER, SUSQUEHANNA FLATS,
9 AND THE CHESAPEAKE AND DELAWARE CANAL.

10 (H) (1) THE FEE FOR A LIMITED FISHING GUIDE LICENSE UNDER
11 SUBSECTION (G) OF THIS SECTION SHALL BE:

12 (I) FOR A RESIDENT, \$50; AND

13 (II) FOR A NONRESIDENT, \$100.

14 (2) ALL FEES COLLECTED BY THE DEPARTMENT UNDER THIS
15 SUBSECTION SHALL BE USED FOR MONITORING THE FRESHWATER FISHERY.

16 (3) THE DEPARTMENT SHALL PUBLICLY REPORT ANNUALLY THE
17 AMOUNTS COLLECTED UNDER THIS SUBSECTION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 January 1, 2002.